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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GYORFI, THOMAS A

ART UNIT PAPER NUMBER

2135

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/838,933

Applicant(s)

EDWARDS ET AL.

Examiner

Tom Gyorfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-44 remain for examination. The correspondence filed 1/17/06 amended claims 1, 12, 23, and 34.

### ***Response to Arguments***

2. Applicant's arguments, see the amendment filed 1/17/06, with respect to the rejection(s) of independent claim(s) 1, 12, 23, and 34 under Kindberg and UPnP have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kindberg, UPnP, and Waldo.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 34-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a computer data signal embodied in a carrier wave; this does not conform to any of the statutory classes of invention defined above. See also O'Reilly v. Morse, 56 U.S. (15 How.) at 112-114 (1853).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over “A Web-Based Nomadic Computing System”, by Kindberg et al. (hereinafter, “Kindberg”), and further in view of “UpnP Device Architecture” published by the UpnP Forum (hereinafter, “UPnP”) and further in view of “The JINI Architecture for Network-Centric Computing”, by Jim Waldo (hereinafter, “Waldo”).

Referring to Claims 1, 12, 23:

Kindberg discloses a system for enabling one or more arbitrary components to communicate with each other (page 1, Abstract, lines 1-5), the system comprising: a first component associated with one or more universal interfaces (page 6, Place Managers, lines 6-13);

Kindberg does not appear to disclose “a second component obtaining one of the one or more universal interfaces associated with the first component and automatically invoking the at least one of the universal interfaces to communicate with the first component.” However, UPnP teaches this limitation (pages 13-15, “2. Description”). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow multiple arbitrary components to communicate with each other using a universal interface as disclosed in UPnP. The motivation for doing so would be to exchange data in a manner that does not require the devices to possess a priori

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knowledge of how each component operates, but instead use common and well known technologies to enable communication between said components (page 1, "What is UPnP?").

As noted by Applicant, UPnP teaches the use of textual interface descriptions that are not in and of themselves executable code. Kindberg does not appear to remedy this situation. However, Waldo discloses a universal interface comprising both executable code and data (Waldo, page 2, 2<sup>nd</sup> paragraph; page 3, "Jini and Java"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include executable [Java] code into the universal interface system of Kindberg and UPnP. The motivation for doing so would be that it would allow objects, features, forms, & interfaces already available on to the operating system, to be available to the second client via code mobility (Waldo: page 3, "Jini and Java": lines 1-10).

Referring to Claim 34:

Kindberg discloses computer data signal embodied in a carrier wave for enabling one or more arbitrary components to communicate with each other, the signal comprising: a first source code segment having instructions for causing a first component to obtain one of one or more universal interfaces associated with a second component (page 9, Setting options on the sink, lines 5-18; page 8, lines 10-19).

Kindberg does not appear to disclose "a second source code segment having instructions for causing the first component to automatically invoke at least one of the universal interfaces to communicate with the second component". However, UPnP

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teaches this limitation (pages 13-15, "2. Description"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow multiple arbitrary components to communicate with each other using a universal interface as disclosed in UPnP. The motivation for doing so would be to exchange data in a manner that does not require the devices to possess a priori knowledge of how each component operates, but instead use common and well known technologies to enable communication between said components (page 1, "What is UPnP?").

As noted by Applicant, UPnP teaches the use of textual interface descriptions that are not in and of themselves executable code. Kindberg does not appear to remedy this situation. However, Waldo discloses a universal interface comprising both executable code and data (Waldo, page 2, 2<sup>nd</sup> paragraph; page 3, "Jini and Java"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include executable [Java] code into the universal interface system of Kindberg and UPnP. The motivation for doing so would be that it would allow objects, features, forms, & interfaces already available on to the operating system, to be available to the second client via code mobility (Waldo: page 3, "Jini and Java": lines 1-10).

Referring to Claim 2, 13, 24 and 35:

Kindberg, UPnP, and Waldo disclose the limitations of Claims 1, 12, 23 and 34 above. Kindberg further discloses wherein the first component transfers a data object to the second component, the data object having the one or more universal interfaces (page 9, Setting options on the sink, lines 15-18).

Referring to Claims 3, 14, 25 and 36:

Kindberg, UPnP, and Waldo disclose the limitations of Claims 1, 12, 23 and 34 above. Kindberg further discloses the first component transfers a data object to the second component, the data object having instructions and data for accessing the one or more universal interfaces (page 7, Physical registration: defining a place: lines, 1-5; page 9, Setting options on the sink, lines 15-18).

Referring to Claims 4, 15, 26 and 37:

Kindberg, UPnP, and Waldo disclose the limitations of Claims 1, 12, 23 and 34 above. Kindberg further discloses the second component has instructions and data for accessing a data object, the data object having the one or more universal interfaces (page 8, Direct content post: lines 10-19).

Referring to Claims 5, 16, 27 and 38:

Kindberg, UPnP, and Waldo disclose the limitations of Claims 1, 12, 23 and 34 above. Waldo further discloses the second component interacts with an operating system environment, the operating system environment having instructions and data for accessing a data object having the one or more universal interfaces (page 2, "A simple set of Conventions": lines 1-20).

Referring to Claims 6, 17, 28 and 39:

Kindberg, UPnP, and Waldo disclose the limitations of Claims 1, 12, 23 and 34 above. Kindberg further discloses the second component has instructions and data for using; the one or more universal interfaces (page 8, Direct content post: lines 10-19).

Referring to Claims 7, 18, 29 and 40:

Kindberg, UPnP, and Waldo disclose the limitations of Claims 1, 12, 23 and 34 above. Kindberg further discloses a third component transfers a data object to the second component, the data object having the one or more universal interfaces associated with the first component (Fig. 5B; page 8, Indirect content post: lines 8-15).

Referring to Claims 8, 19, 30 and 41:

Kindberg, UPnP, and Waldo disclose the limitations of Claims 1, 12, 23 and 34 above. Kindberg further discloses the one or more universal interfaces comprise a data source interface, a data sink interface, an aggregation interface, a mutable aggregation interface, a context interface, a notification interface or a user interface (page 9, Setting options on the sink: lines 10-18).

Referring to Claims 9, 20, 31 and 42:

Kindberg, UPnP, and Waldo disclose the limitations of Claims 1, 12, 23 and 34 above. Kindberg discloses providing one or more user interfaces to allow one or more components to be accessed or manipulated, allowing one or more components to



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provide event notifications or retrieving contextual data associated with the second component (page 4, Content and Physical discovery: lines 5-10; page 8, Context Exchange: lines 1-5), and Waldo discloses the one or more universal interfaces comprise object-oriented mobile code having instructions for obtaining, interpreting, viewing or modifying data associated with one or more collections of components (page 3: "Jini and Java": lines 3-20).

Referring to Claims 10, 21, 32 and 43:

Kindberg, UPnP, and Waldo disclose the limitations of Claims 1, 12, 23 and 34 above. Kindberg further discloses one of the one or more universal interfaces comprise a source-specific data transfer session having instructions for converting data transferred through the source-specific data transfer session (page 8, Direct content post: lines 10-19).

Referring to Claims 11, 22, 33 and 44:

Kindberg, UPnP, and Waldo disclose the limitations of Claims 1, 12, 23 and 34 above. Kindberg further discloses the one or more arbitrary components comprise a computer system, device, network service, application, data, memory, file directory or individual file (Fig 2; page 2, Nomadic computing model: lines 10-12).

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

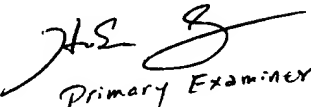
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAG  
1/30/06

  
Primary Examiner  
Art Unit 2135